

Exp. Mail No. EV343593905US

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## DECLARATION

As the below-named inventors, we declare that:

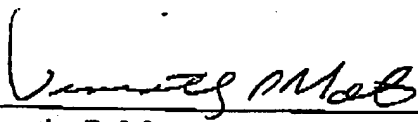
Our residences, post office addresses, and citizenships are as stated below under our names.

We believe we are the original, first, and joint inventors of the subject matter claimed and for which a patent is sought on the invention entitled "GUIDED RADIATION THERAPY SYSTEM" in the foregoing specification and claims.

We have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

We acknowledge our duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56(a).

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

  
\_\_\_\_\_  
Timothy P. Mate

Date 6/8/01

Residence : City of Bellevue  
State of Washington  
Citizenship : United States of America  
P.O. Address : 5420 143<sup>rd</sup> Avenue SE  
Bellevue, Washington 98006

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\_\_\_\_\_  
Steven C. Dimmer

Date

6 / 8 / 01

Residence

:

City of Bellevue

State of Washington

Citizenship

:

United States of America

P.O. Address

:

12810 NE 32<sup>nd</sup> Place

Bellevue, Washington 98005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Timothy P. Mate and Steven C. Dimmer  
Filed : Concurrently herewith  
For : GUIDED RADIATION THERAPY SYSTEM  
Docket No. : 34114-8004US

Commissioner for Patents  
Washington, DC 20231

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73

AND POWER OF ATTORNEY

Sir:

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment filed concurrently herewith, a copy of which is enclosed, hereby elects under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

Assignee hereby appoints JERRY A. RIEDINGER, Registration No. 30,582; MAURICE J. PIRIO, Registration No. 33,273; MICHAEL D. BROADDUS, Registration No. 41,637; CATHERINE HONG TRAN, Registration No. 43,960; ROBERT G. WOOLSTON, Registration No. 37,263; PAUL T. PARKER, Registration No. 38,264; JOHN M. WECHKIN, Registration No. 42,216; CHRISTOPHER DALEY-WATSON, Registration No. 34,807; STEVEN D. LAWRENZ, Registration No. 37,376; JAMES A.D. WHITE, Registration No. 43,985; EDWARD S. HOTCHKISS, Registration No. 33,904; JAMES NICKELSON, Registration No. 46,140; STEPHEN E. ARNETT, Registration No. 47,392; and DAVINA L. CHILDS, Registration No. 47,485, of Perkins Coie LLP, as the principal attorneys with full power of substitution, association, and revocation to prosecute said application, to transact all business in the

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Patent and Trademark Office connected therewith, and to receive the letters patent therefor. Please direct all correspondence to Customer Number 25096.

Bar Code:

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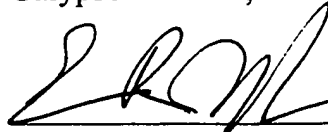
PATENT TRADEMARK OFFICE

Pursuant to 37 C.F.R. § 3.73, the undersigned duly authorized designee of Assignee certifies that the evidentiary documents have been reviewed, specifically the Assignment to Calypso Medical, Inc. filed concurrently herewith for recording, a copy of which is attached hereto, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Calypso Medical, Inc.

Date

6/8/01



Eric Meier  
President and CEO

RGW:tdg

Enclosure:

Copy of Assignment

## ASSIGNMENT

WHEREAS, we, Timothy P. Mate and Steven C. Dimmer("ASSIGNORS"), having post office addresses of 5420 143<sup>rd</sup> Avenue SE, Bellevue, Washington 98006 and, 12810 NE 32<sup>nd</sup> Place, Bellevue, Washington 98005, respectively, are the joint inventors of an invention entitled "GUIDED RADIATION THERAPY SYSTEM," as described and claimed in the specification forming part of an application for United States letters patent executed herewith;

WHEREAS, Calypso Medical, Inc. ("ASSIGNEE"), a corporation of the State of Washington having a place of business at 1511 Third Avenue, Suite 323, Seattle, Washington 98101, is desirous of acquiring the entire right, title, and interest in and to the invention and in and to any patents that may be granted therefor in the United States and in any and all foreign countries;

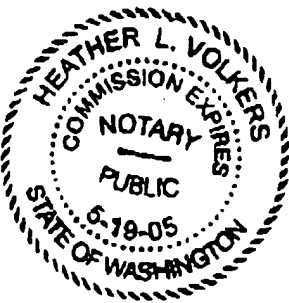
NOW, THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ASSIGNORS hereby sell, assign, and transfer unto ASSIGNEE, its legal representatives, successors, and assigns, the entire right, title and interest in and to the invention as set forth in the above-mentioned application, including any continuations, continuations-in-part, divisions, reissues, re-examinations, or extensions thereof, any other inventions described in the application, and any and all patents of the United States of America and all foreign countries that may be issued for the invention, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from the United States application to which foreign applications are entitled by virtue of international convention, treaty or otherwise, the invention, application and all patents on the invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer, and sale not been made.

UPON THE ABOVE-STATED CONSIDERATIONS, ASSIGNORS agree to not execute any writing or do any act whatsoever conflicting with this assignment, and at any time upon request, without further or additional consideration but at the expense of ASSIGNEE, execute all instruments and documents and do such additional acts as ASSIGNEE may deem necessary or desirable to perfect ASSIGNEE's enjoyment of this grant, and render all necessary assistance required for the making and prosecution of applications for United States and foreign patents on the invention, for litigation regarding the patents, or for the purpose of protecting title to the invention or patents therefor.

ASSIGNORS authorize and request the Commissioner of Patents and Trademarks to issue any Patent of the United States that may be issued for the invention to ASSIGNEE.

June 08, 2001      Timothy P. Mate  
Date      Timothy P. Mate  
State of WASHINGTON )  
County of KING ) ss.

I certify that I know or have satisfactory evidence that Timothy P. Mate is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



Dated June 8, 2001  
Signature of Notary Public Heather L. Volkers  
Printed Name Heather L. Volkers  
My appointment expires 5-19-05

6/8/01  
Date

State of Washington)

County of King)

Steven C. Dimmer

ss.

I certify that I know or have satisfactory evidence that Steven C. Dimmer is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 6/8/01

Signature of

Notary Public

Cheryl A. Saltzman

Printed Name

Cheryl A. Saltzman

My appointment expires

3/19/2004

